

MINUTES OF THE MEETING OF MARCH 23, 2009

PRESIDENT PRO TEM CASAR: The Chair calls this meeting of Canton City Council to order, roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON, & KARL "BUTCH" KRAUS, JR.)

ALL COUNCIL MEMBERS PRESENT (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT PRO TEM CASAR: Before we go any further, I'd like to make an announcement, we had a new Democrat born the other day, Zander Jo'L Barton. (*Applause*) She was born on 3/22 at 12:19, weighed 7 pounds, 13 ounces and 19 inches long, she is a pretty nice sized baby and good luck and congratulations to you.

MEMBER BARTON: Thank you to everybody, I appreciate it. Thank you.

PRESIDENT PRO TEM CASAR: We will now have the invocation given by 1st Ward Councilman, Member Hawk. Please remain standing for the pledge of allegiance of the flag.

The regular meeting of Canton City Council was held on Monday, March 23, 2009 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council Member Greg Hawk, the Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: We're now under corrections and changes of the agenda. The Chair will recognize a motion to suspend Rule 22A for Ordinances 11 through 17, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to add second readings Ordinance 11 through and including 17.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Motion to suspend Rule 22A. Are there any remarks? If not roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PUBLIC SPEAKS

PRESIDENT PRO TEM CASAR: We have two speakers signed up for public speaks for Ordinances up for adoption. The first speaker is David Morgan. Would you please come forward and give your name and address please.

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DAVID MORGAN: I'm C. David Morgan, my address is 922 27th Street NE in the City of Canton. Mr. President Pro Tem, thank you for the opportunity to be here tonight. I would begin by telling you a story about a fellow who was away from home in hearth and spied an attractive woman. He approached her and said to her "Would you spend the night with me for \$10,000.00?" She thought for a moment and said "Well yes I would." And he said "Would you spend the night with me for \$200.00?" And she said "What kind of woman do you think I am?" And he said "We've already established that. We're just negotiating the terms." We have, coming before us tonight an Ordinance or series of Ordinances that would allow traffic enforcement cameras. This has been in play for six months or so, it's gone back, it's come forward, all the while, we're just negotiating the terms. I'm here to ask you, as Members of Council tonight to leave no question, to take this series of Ordinances, this idea to say to those who think we're just negotiating the terms that Canton is not that kind of girl. Vote it down. Thank you.

PRESIDENT PRO TEM CASAR: Thank you. The next speaker is Frederick Meacham.

FREDERICK MEACHAM: I live at 342 Henrietta Avenue NE, Canton, Ohio. Good evening.

PRESIDENT PRO TEM CASAR: Good evening.

FREDERICK MEACHAM: I'm going to add my two cents to the rinky dink flap over the cameras at traffic lights, addition to the budget at the request of our Mayor. Mayor's have hundreds, Governors, Congressman and Presidents have thousands who donate to the campaign of election of elected officials and many times, the donators show up as recipients in business deals with an Elected Official. The Official makes his decisions by following the law, taking lowest bids, necessity, etc. He can't stop and have his secretary check whether or not someone has given money towards his election. If he did, he would be wasting time that should be spent doing his job properly. People donate to an Official's election for many reasons, being of the same party, integrity, honesty, intelligence, etc. And may not have even have met the candidate. No, we taxpayers are not entitled to have our Elected Official report to us on every move he makes. The only people who think they do are his opponents, the other party or people with characteristics of being (*inaudible*). In every case, they are being a nuisance, which isn't serving the public constituents constructively as they should. That's it, thank you.

PRESIDENT PRO TEM CASAR: Thank you. First of all, there are three other individuals that signed up on the wrong sheet, we will recognize them at the end of the meeting under the Public Speaks, Open Forum.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: I also want to let the journal show that there was no Public Hearings scheduled for this evening.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: We are now under informal Resolutions. Is there a motion to excuse Member....President Schulman from this evening's meeting.

MEMBER CARBENIA: Mr. President. I move we excuse Allen Schulman from tonight's meeting.

MEMBER CIRELLI: Seconded.

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PRESIDENT PRO TEM CASAR: It's been moved and seconded to excuse President Schulman from this evening's meeting. Are there any remarks? If not roll call, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: President Schulman is duly excused from this evening's meeting. Resolution #21 please Madame Clerk.

#21. HAWK, G. WARD 1 CNCLMBR & KRAUS, K. WARD 8 CNCLMBR: REQ SIGNS BE PLACED IN DOWNTOWN CANTON AREA TO INFORM RESIDENTS OF PARKING POLICIES AFTER 4 PM & WEEKENDS. - ADOPTED

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adopt Resolution 21.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #21. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #21 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: Resolution #21 has been adopted. Resolution by title for #22, Madame Clerk.

#22. WEST, T. WARD 2 CNCL MBR: REQ PLACEMENT OF STREET LIGHT ON POLE #C796A2-126 IN FRONT OF 836 SAVANNAH NE. - ADOPTED

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Yes, Mr. President, I move we adopt Resolution 22.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Its' been moved and seconded to adopt Resolution #22. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #22 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: Resolution #22 has been adopted.

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PRESIDENT SCHULMAN: We're are now under Communications. Let the journal show that all communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 23, 2009.

146. ABCD HOMES V LLC: NOTIFICATION OF MANAGING MBR OF SINGLE FAMILY RES DEV & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS. - RECEIVED & FILED
147. ANNEXATION MEMBER PRATER: REQ STATEMENT OF SERV FOR CANTON HOTEL & RESTAURANT SUPPLY ANNEXATION. - ANNEXATION COMMITTEE
148. COUNCIL-AT-LARGE MEMBER CIRELLI: REQ THE THREE PROPOSALS FOR TRAFFIC CAMERAS. - RECEIVED & FILED
149. COURT ADMIN KOCHERA: REQ WITHDRAW OF C#137 FROM 3/16/09 AGENDA. - RECEIVED & FILED
150. MAYOR WILLIAM HEALY: REQ APPROVAL FOR APPT OF JOHN P NADER TO CITY'S HOUSING ADVISORY BOARD FOR TERM COMMENCING UPON AUTHORIZATION FOR 2 YRS. - PERSONNEL COMMITTEE
151. SERVICE DIRECTOR PRICE: REQ SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF LABOR, PLAY EQUIP, & SURFACING OF NEW HORIZONS PARK PROJ VIA US COMMUNITIES GOVERNMENT PURCHASING ALLIANCE OR ALTERNATIVE THROUGH STATE COOP PURCHASING. - PARK & RECREATION & FINANCE COMMITTEES
152. SMHA: NOTIFICATION OF MANAGING MBR OF SINGLE FAMILY RES DEV & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS (ALLEN SCHOOL). - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for the First Reading. Madame Clerk, would you please read the Resolution #1 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #10 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO ACQUIRE AN EASEMENT IN PROPERTY OUTSIDE THE CITY'S CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE CHAPTER 719 TO

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PROMOTE DRAINAGE OF THE CITY OF CANTON'S PUBLIC ROADWAY AND STORM WATER SYSTEM IN AN ADJACENT PROPERTY OWNED BY CANTON COMMERCE DEVELOPMENT LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #2. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (351 CORNELIA AVENUE NE)
Referred to Judiciary Committee **PUB. HRG. 4/6/09 @ 7:30 P.M.**
- #3. (1ST RDG) AN ORDINANCE VACATING TWO UNNAMED ALLEYS; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 36949 THRU 36953, PART OF LOT NO. 36957, LOTS NOS. 36958 THRU 36962 AND THE TWO UNNAMED VACATED ALLEYS; AND DECLARING THE SAME TO BE AN EMERGENCY (DUMONT SEED COMPANY)
Referred to Public Safety & Thoroughfares Committee **PUB. HRG. 4/6/09 @ 7:31 P.M.**
- #4. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1460 SHRIVER AVENUE NE)
Referred to Judiciary Committee **PUB. HRG. 4/6/09 @ 7:32 P.M.**
- #5. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1521 15TH ST NE)
Referred to Judiciary Committee **PUB. HRG. 4/6/09 @ 7:33 P.M.**
- #6. (1ST RDG) A RESOLUTION CONSIDERING AND APPROVING THE PETITION FOR RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #7. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 97/2007; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF A NEW NO. 4 FIRE STATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- #8. (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO REDECKING OF THE STRUCTURE AT DUEBER AVENUE AND REDECKING AND PAINTING THE STRUCTURE UNDER CLEVELAND AVENUE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

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- #9. (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO REHABILITATION OF TEN MAINLINE STRUCTURES AND PAVING OF INTERSTATE 77 FROM THE STRUCTURE OVER NIMISHILLEN CREEK TO THE STRUCTURE OVER MARKET, CLEVELAND AND 15TH STREET; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #10. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NINE LOCAL PUBLIC AGENCY AGREEMENTS WITH THE STATE OF OHIO DIRECTOR OF TRANSPORTATION FOR LOCAL INFRASTRUCTURE PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Public Safety & Thoroughfares Committees
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ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We're now under Ordinances for their Second Reading. Madame Clerk will read Ordinances 11 through and including 17 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #11 THROUGH #17 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #11. (2ND RDG) **ADOPTED AS ORDINANCE NO. 41/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE-YEAR CONTRACT WITH AT&T TO PROVIDE THE CITY WITH A 20MBPS HIGH-SPEED INTERNET CONNECTION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move that we suspend rule...the statutory rules on Ordinance #11...and remove the rules on #11.

MEMBER CIRELLI: Seconded

PRESIDENT PRO TEM CASAR: It has been moved and seconded to suspend the statutory rules on Ordinance #11. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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PRESIDENT PRO TEM CASAR: The statutory rules have been suspended. Is there a motion to adopt?

MEMBER CARBENIA: Mr. President

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Ordinance #11 has been....there has been a motion to adopt and seconded. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 41/2009

PRESIDENT PRO TEM CASAR: Ordinance #11 was adopted. Ordinance #12.

- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT DONATIONS TO FUND PORTIONS OF THE CANTON CONNECTION FOR FISCAL YEAR 2009; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY TWO MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$5,000.00 AND \$5,600.00 TO COTTRILL WRECKING COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY (DEMOS OF 735 HIGH AVE & 1116 SHORB NW)
- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH PROFILE PLASTICS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR THE OPERATING EXPENSES OF THE CITY OF CANTON FOR THE REMAINDER OF FISCAL YEAR 2009; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$1,521.66 TO EATON CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #17. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT TO RELOCATE A WATER MAIN AS PART OF THE MCDOWELL RTA BRIDGE RELOCATION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: We're now under Ordinances for their third and final reading. Madame Clerk would you please read Ordinance #18 through and including 23 by title.

- #18. (3RD RDG) **DEFEATED** AN ORDINANCE CREATING TITLE ELEVEN, AUTOMATED TRAFFIC ENFORCEMENT, UNDER PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES; AND CREATING CHAPTER 391, AUTOMATED TRAFFIC ENFORCEMENT SYSTEM, UNDER TITLE ELEVEN OF PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES, TO PROVIDE FOR THE IMPLEMENTATION OF A CIVIL AUTOMATED TRAFFIC ENFORCEMENT SYSTEM FOR THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS AND SPEED LIMITS

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #18.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #18. Are there any remarks? If not, by roll call vote.....

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Yes Member West, speak up, speak up.

MEMBER WEST: I'm sorry, my voice wasn't going to....but I wanted to talk just briefly about this Ordinance and maybe ask Joe a question. Since the new version didn't come down, I guess Pastor Morgan said something about several versions coming down. Could we be clear on what version we're talking about today. Is this the version that we're talk...that was amended to put 100% of the revenues into the neighborhoods?

PRESIDENT PRO TEM CASAR: No this is not...oh you're talking....Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West, this is the Ordinance as originally prepared. There are no amendments to this Ordinance before you. Not that it didn't go through several drafts but there are no official amendments before you.

PRESIDENT PRO TEM CASAR: Are there any other remarks? If not roll call please.

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NO REMARKS

ROLL CALL: 1 YEA, 11 NAYS
(MEMBER WEST VOTED YEA)

CLERK TIMBERLAKE: One nay, I'm sorry, eleven nays, one yea, Mr. President.

#18 DEFEATED

PRESIDENT PRO TEM CASAR: Ordinance 18 has been defeated. Ordinance #19.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 42/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE GROUP WORKCAMP FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #19.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #19. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 42/2009

PRESIDENT PRO TEM CASAR: Ordinance 19 has been adopted. Ordinance #20.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 43/2009** AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #20.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #20. Are there any remarks? If not, roll call please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 43/2009

PRESIDENT PRO TEM CASAR: Ordinance 20 has been adopted. Ordinance #21.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 44/2009** A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (WHISTLE STOP)

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #21.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #21. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 44/2009

PRESIDENT PRO TEM CASAR: Ordinance 21 has been adopted. Ordinance #22.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 45/2009** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$14,950.00 TO OSBORN ENGINEERING CO.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #22.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #22. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 45/2009

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PRESIDENT PRO TEM CASAR: Ordinance 22 has been adopted. Ordinance #23.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 46/2009** AN ORDINANCE AMENDING SECTION 947.06, SEWER RATES, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #23.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 46/2009

PRESIDENT PRO TEM CASAR: Ordinance 23 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: We are now under Announcement of Committee meetings. Member Carbenia.

MEMBER CARBENIA: Community & Economic Development will meet on March 30th at 6:15.

MEMBER HAWK: Mr. President.

CLERK TIMBERLAKE: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, March 30th at 6:15.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Judiciary will meet March 30th at 6:15.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER PRATER: Personnel will meet March 30th at 6:15.

MEMBER KRAUS: Mr. President.

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PRESIDENT PRO TEM CASAR: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet March 30th at 6:15.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Public Property & Capital Improvement will also meet that evening at 6:15.

PRESIDENT PRO TEM CASAR: Is that it?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under Public Speaks open forum. We have two speakers that signed the correct sheet and three signed on the other one, we'll recognize them under this. The first speaker is Rev. Leroy Groce.

LEROY GROCE: My name is Rev. Leroy Groce and my address is 1041 Roe Court SE, Canton OH. And my purpose for being here today, I would like to find out if City Council has approved the siting of the disabled placards at the meters when a person has not fed the meter.

PRESIDENT PRO TEM CASAR: Is that your only question sir?

LEROY GROCE: I beg your pardon?

PRESIDENT PRO TEM CASAR: Is that your only question sir?

LEROY GROCE: That's my only problem that I have concerning this City.

PRESIDENT PRO TEM CASAR: We will address that under Miscellaneous Business, if you could stick around for Miscellaneous Business, that will be covered under Miscellaneous Business.

LEROY GROCE: It's not clear to me what you said.

PRESIDENT PRO TEM CASAR: Miscellaneous Business comes up next and that's when we will cover that question.

LEROY GROCE: Oh, so I wait?

PRESIDENT PRO TEM CASAR: Yes, within a few minutes.

LEROY GROCE: Okay, thank you.

PRESIDENT PRO TEM CASAR: The next speaker is Jason McKinney.

JASON MCKINNEY: Jason McKinney, 406 Shorb Ave SW, Canton, Ohio. I came down here today to thank the

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entire City Council and the Street Department, Safety Director and Service Director and all of their employees for the timely repair of the sink hole in front of Shreiber School. And I wanted to thank you all on behalf of the students and the staff and the citizens that were affected by that hole. Thank you very much.

PRESIDENT PRO TEM CASAR: Thank you for your comments. Our next speaker will be Rosario Carcione.

ROSARIO CARCIONE: My name is Rosario Salvatore Carcione, the President of the Canton Professional Firefighter's Association, Local 249 and a resident of the City of Canton. I reside at 5205 Giacomo Court, NW, Canton. Speaking here tonight because I am concerned with the closing of Fire Stations and EMS Units. Yesterday Station 5, located at West Tusc. and Raff Road was closed along with Medic 4, which is stationed at 25th and Cleveland, NW. Several times this year the Fire Department has been short staffed. Last year, our injuries increased 91% due to Fire Department under staffing. The Mayor hired 15 new Fire Fighters and those Cadets began in October of 2008. We're now only 27 Firefighters away from reaching our authorized strength. Staffing the Fire Department properly would help ease the injuries and illnesses caused by an increased work load on a Department that has done more with less each of the last seven years. Comments have been made to us such as "If everyone comes to work, you'll be alright." And "Just don't get sick." Those comments reflect the type of unrealistic expectations that are being placed upon our Firefighters daily. Currently, we have a Firefighter recovering from a broken back, two recovering from knee surgery, one recovering from a heart attack and some that serving our Country on military leave. Yet the City expects us to manage without these members. A few months back, we had a structure fire that injured nine Firefighters. Again, we were left short staffed due to injuries received while protecting the public. I cannot understand why a City concerned about finances would continue to deficit spend on facilities such as the Civic Center and Thurman Munson Stadium before making sure the residents are provided with the basic necessities of safety and service. Combined, those facilities are projected to loose the City nearly \$700,000.00. It would take less than half of that deficit to fully staff our Fire Department. Our residents pay taxes to ensure that they have proper fire and EMS coverage in their neighborhoods. Our residents are not paying for Canton Township of Plain township to respond to their emergency. Due to short staffing, we have had to rely on outside agencies to provide EMS coverage for our residents many times. Last month a City Firefighter injured while fighting a fire had to be transported to the Emergency Room by Canton Township. Please help us with this matter and make safety a number one priority of Council. Thank you for your time.

(APPLAUSE)

PRESIDENT PRO TEM CASAR: The next speaker is Brian Hmidan.

BRIAN HMIDAN: Hello, my name is Brian Hmidan, I live at 1580 Trump Ave SE in East Canton. I'm here again on behalf of the Hob Nob Tavern. Since I talked to you guys last week, there was a robbery committed at the Hob Nob Tavern last night. And the reason why I'm bringing it up now is because the person who committed the robbery was also accused of but never convicted of several shootings at the Pastime Tavern, that's now closed. And my...my objective is not only to keep the Hob Nob opened, which is an objective of mine but also to make things better for the whole City. How I think that should happen is like I said, cooperation between bar owners and City. If there was a cooperation between a bar owner and a City, the robbery that happened yesterday wouldn't have happened because the guy who committed it, most likely would have been caught at the Pastime Tavern. These type of people need to be dealt with when they're committing these crimes instead of bars being closed and then being pushed on to the next, you know, unsuspecting bar patron, bar owner or passer by. So, Councilman West talked about a registry of offenders in area taverns that other bar owners like me can get to, to

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know who are committing these types of crimes to keep other people safe. So, once again, I ask, you know, that the Hob Nob Tavern be allowed to stay opened and that steps are made to make cooperation between City and bar owners to make it safe for everybody, the bar owners, the neighbors, patrons and passer by. Thank you.

PRESIDENT PRO TEM CASAR: Thank you. Our final speaker this evening is John Stone.

JOHN STONE: Good evening, I come with a smile, you saw that on there right? Hey, does everyone know....everyone ever heard of Steve...

PRESIDENT PRO TEM CASAR: Please give your name and address.

JOHN STONE: Oh, I'm sorry. John Stone and I live at 2906 12th St NW. And did you know that Steve Fugate walked 240 miles carrying a sign that says "Love Life" from Cincinnati to Canton to join us for the Hearts Coming Together in 2007 where former Mayor Creighton gave him the key to the City. And Steve has actually walked across our Country four times carrying that sign and now carries a piece of Canton with him in that journey. And did you know that the ice cream cone and the hamburger were invented in Canton? Think about how those two things have effected the world. And everyone knows the O'Jays right and the song the "Love Train" right? And it's the perfect anthem for the world right now. People all around the world join hands start a love train and that song was born here, the O'Jays are our own. So that makes Canton the origin station of the love train. And these are just a few of the things that make Canton the heart of the heartland, this is something I talked about briefly last week. Not to mention Nimisilla Park which just happens to be on O'Jays Parkway which is boarded by four City wards and a heart has four chambers. And I mentioned that because we are...if you were not here last week, having an event in Nimisilla Park called Bearthday to kinda coincide with earth day to clean and plant and beautify the park and just raise awareness to the idea of Canton being the heart of the heart. We're going to have entertainment and a drum circle to defibulate the heart at the end just to get everybody involved. And we're also holding an event this week because the buzz this has been creating has been pretty amazing really and so we're asking to join us in the park this Friday at noon to discuss how to integrate everybody that has interest in being involved in this revitalization of the park. So please join us for that. And I also want to ask if there is anyway in a future visit to show like a 30 second video to Council.

PRESIDENT PRO TEM CASAR: To show what sir?

JOHN STONE: Like a 30 second video during public speaks, is that possible in the future?

PRESIDENT PRO TEM CASAR: We probably could, we have to make arrangements with the Clerk here.

JOHN STONE: Okay, could I leave this with you for your review on your time?

PRESIDENT PRO TEM CASAR: Yes.

JOHN STONE: Okay, great, thank you for your time.

PRESIDENT PRO TEM CASAR: Thank you. That concludes public speaks, open forum.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CASAR: We are now under Miscellaneous Business. Is there any Miscellaneous

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Business?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: I had a few things here. First on April 9th, everybody knows that April is Minority Health Month and Stark County Minority Health Coalition will be hosting their annual dinner, their kick off celebration dinner and it's free to the public and of course we're asking Council Members if they're able to attend. I will put a copy of this in your box, Okay. I also got something tonight from GAIN Neighborhood Association Group who just informed me that the..on Friday, this past Friday was the last night that the City of Canton will be receiving, or excuse me, the City of Canton Postal Department will be receiving their mail here. It would be now be processed through Akron, which may slow some things down. And let me be specific, first class mail, so I think with Deborah making her statements here, looks like they have already started their process to downsize and so everyone knows that your mail maybe a little later as your first class mail. But that has no bearing on the City Council, we stood strong and supported against that. Also, I think John had mentioned something about "Bearthday in the Park" on the 25th but also on April 18th part of "CDBG Week" there also is going to be a cleanup on the northeast section of town from the City of Canton. And then also Gibbs Garbage Grabbers, these are kids between the ages of 4th, 5th, 6th grade will be also doing neighborhood cleanups and this is important because, even though we see our kids throwing trash and stuff like that, there is a group of kids in the Gibbs neighborhood who is picking up trash every Friday starting this weekend, so, I just wanted to alert you to that to let you know that kids aren't just throwing kids out there and being negative but they're also being positive. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Member West. Are there any other remarks?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM CASAR: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Two comments, the first to address Rev. Groce, I had the pleasure of meeting Mr. Groce, he was referred to our office by Safety Director Nesbitt. Mr. Groce had a question about handicap meters and placards for disabled person. His question is doesn't the City have to provide free parking that are exclusively dedicated to handicapped placards. And the legal answer is no. The City can and has chosen to devote certain parking spaces to only people who have handicapped placards, they're marked and only people with handicapped placards can park at them just like in parking lots for public buildings and private buildings that are marked handicapped, only people with handicapped stickers can park there or face a fine. But there is no Federal, State or Local law that we're aware of that mandates that people park for free in those spaces. You can't charge them more but you can charge folks who have to use those the same as anyone else. To answer that question on behalf of Council and the Administration. Second matter, in keeping with the family announcement, congratulations Member Barton, there's another family that has something to celebrate, Member Smuckler and his daughter have recently received awards together from the Canton Jewish Community Center as volunteers and participants, it's something to be very proud of.

(APPLAUSE)

LAW DIRECTOR MARTUCCIO: One other thing, he's not here tonight but our Council President, Mr. Schulman has been named to a very elite group of Ohio Super Lawyers, it's one as recognized best in the Country.

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(APPLAUSE)

PRESIDENT PRO TEM CASAR: Is there any other Miscellaneous Business?

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I'd just like to once again, that I'm in support of the Canton Firefighters not closing their Fire Stations or having them closed or the things, and I've made that clear, so I'll be short about it. But I made some suggestions in the Council Caucus Room and I would hope that you would at least look into those suggestions and try to help us do some kind of a....something to try to help keep those Fire Stations open because as they said, you see how many Firefighters get hurt because there's not enough Firefighters there. It's been a proven thing that if you close Fire Stations, that all you do is put the citizens and the Firefighters in danger and I would hope that...and I know that they know that we're in deep trouble with finances but I think that if you sit down with them and negotiate with them some more, maybe we can work this out. I have faith and I'm praying that we can settle this thing for the whole City. Thank you.

(APPLAUSE)

PRESIDENT PRO TEM CASAR: Are there any other remarks? Member Carbenia.

MEMBER CARBENIA: Mr. President. I move we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourn. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: *(Gavel falls)* Meeting is adjourned.

ADJOURNMENT TIME: 8:12 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DONALD E. CASAR
PRESIDENT PRO TEM